

1988 No. 23

## FOOD AND DRUGS

## Composition and Labelling

Coffee and Coffee Products (Amendment) Regulations  
(Northern Ireland) 1988

*Made* . . . . . 25th January 1988

*Coming into operation—*

*Regulations 1 and 4* . . . . . 7th March 1988

*Regulations 2 and 3* . . . . . 30th December 1988

The Department of Health and Social Services(a) in exercise of the powers conferred on it by sections 4, 7, 68 and 68A of the Food and Drugs Act (Northern Ireland) 1958(b) and of every other power enabling it in that behalf and after consultation in accordance with section 68(2) of that Act with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

*Citation and commencement*

1.—(1) These regulations may be cited as the Coffee and Coffee Products (Amendment) Regulations (Northern Ireland) 1988, and shall come into operation—

(a) as respects regulations 1 and 4, on 7th March 1988; and

(b) as respects regulations 2 and 3, on 30th December 1988.

(2) In these regulations “the principal regulations” means the Coffee and Coffee Products Regulations (Northern Ireland) 1979(c).

*Amendment of the principal regulations*

2. The principal regulations are hereby amended—

(a) by adding at the end of regulation 2 the following paragraph—

“(6) Where a designated product contains the ingredients coffee and chicory, or extracts of those ingredients, or extracts of coffee and fig, the reserved description of the product shall be such that in it the name of the ingredient of which the higher proportion was used in the manufacturing process shall precede the name of the other ingredient.”;

(b) by substituting for regulations 5 and 6 the following regulations—

(a) See S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I

(b) 1958 c. 27 (N.I.); section 4 was amended by and section 68A was added by S.R.&O. (N.I.) 1972 No. 363

(c) S.R. 1979 No. 51: the relevant amending regulation is S.R. 1982 No. 298

*"Labelling and description of designated products for retail sale*

5.—(1) Without prejudice to the provisions of the Food Labelling Regulations (Northern Ireland) 1984(a) and subject to regulation 6, a person shall not sell by retail any designated product in a container unless that container is correctly marked or labelled with the following particulars—

- (a) subject to paragraph (2), a reserved description of the product, which shall be the name prescribed by law for that product for the purposes of regulation 7(1) of the Food Labelling Regulations (Northern Ireland) 1984;
- (b) the word "decaffeinated" in the case of—
  - (i) a designated product specified in Part I of Schedule 1 produced from coffee which has been subjected to a decaffeination process and in which the residual anhydrous caffeine content determined according to the method of analysis referred to in item (1) of Schedule 2 does not exceed 0.10% of its coffee-based dry matter content, or
  - (ii) a designated product specified in Part II or Part IV of Schedule 1 produced from coffee which has been subjected to a decaffeination process and in which the residual anhydrous caffeine content determined according to the method of analysis referred to in item (1) of Schedule 2 does not exceed 0.30% of its coffee-based dry matter content;
- (c) in the case of any of the following designated products, namely, liquid coffee extract, liquid chicory extract, liquid coffee and chicory extract, chicory and coffee essence and liquid coffee and fig extract—
  - (i) the declaration "roasted with sugar", if the product is obtained from the raw material roasted with sugar;
  - (ii) the declaration "with sugar", "preserved with sugar", or "with added sugar", if the sugar has been added to the raw material after roasting,

the word "sugar" being replaced in that declaration by the name of any sugar product used instead of sucrose, which name shall be the reserved description of that product as specified in relation thereto in the Specified Sugar Products Regulations (Northern Ireland) 1976(b) or, if the sugar product has no such reserved description, the name of the product which, if the sugar product were itself being sold as a food, would be used, pursuant to the Food Labelling Regulations (Northern Ireland) 1984, as the name of the food;

- (d) in the case of the following designated products—
  - (i) coffee extract paste and liquid coffee extract or mixtures containing these products, a declaration of the minimum coffee-based dry matter content expressed as a percentage;

(a) S.R. 1984 No. 407; to which there are amendments not relevant to these regulations

(b) S.R. 1976 No. 165; the relevant amending regulation is S.R. 1982 No. 311

- (ii) chicory extract paste and liquid chicory extract or mixtures containing these products, a declaration of the minimum chicory-based dry matter content expressed as a percentage.

(2) In the case of the designated product liquid coffee extract containing more than 25% coffee-based dry matter and of the designated product liquid chicory extract containing more than 45% chicory-based dry matter, the word "concentrated" may be added to the reserved description.

*Labelling and description of designated products for non-retail sale*

5A. Subject to regulation 6, a person shall not sell otherwise than by retail any designated product in a container unless that container is correctly marked or labelled with the following particulars—

- (a) a reserved description of the product;
- (b) the name or business name and the address of the manufacturer or packer or of a seller established within the European Economic Community;
- (c) a marking by which the batch can be identified;
- (d) in the case of a designated product containing any added permitted anti-caking agent in accordance with paragraph (a) of the proviso to regulation 8, the declaration "for use in vending machines only".

*Manner of marking or labelling*

6.—(1) Regulations 32(1) and 34(1) and (2) of the Food Labelling Regulations (Northern Ireland) 1984 (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a designated product is required to be marked or labelled by regulation 5 as if they were particulars with which food is required to be marked or labelled by the Food Labelling Regulations (Northern Ireland) 1984.

(2) Any indication of minimum durability required by regulation 21 of the Food Labelling Regulations (Northern Ireland) 1984 shall appear in the labelling of the designated product sold by retail in the same field of vision as the particulars required by regulation 5(1)(a), (b) and (c).

(3) The particulars with which any designated product is required to be marked or labelled by regulation 5A shall appear on the container, on a label attached to the container or in an accompanying document.;

- (c) by omitting, in regulation 8(e), the words and ellipsis "with added ...";
- (d) by substituting for the Schedules the contents of the Schedule to these regulations;
- (e) by deleting from—
  - (i) regulation 2(1), (in the definition of "designated product"), the words ", consigned or delivered",
  - (ii) regulation 3(a), the words ", consigned or delivered",

- (iii) regulation 8, the words “, consign or deliver pursuant to a sale,”,  
and
- (iv) regulation 15, the words “, consignment or delivery”.

*Amendment of the Food Labelling Regulations (Northern Ireland) 1984*

3. The Food Labelling Regulations (Northern Ireland) 1984 are hereby amended by substituting for paragraph (3) of regulation 5 the following paragraph—

“(3) This Part does not apply to any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products Regulations (Northern Ireland) 1979(a) which is ready for delivery to a catering establishment.”.

*Transitional provisions*

4.—(1) In any proceedings in respect of an act done before 30th December 1988 which is alleged to constitute an offence under the principal regulations, the defendant shall not be convicted of an offence—

- (a) against regulation 5, unless the prosecution prove that such act would have constituted an offence against regulation 5 or 5A, as substituted for that regulation by regulation 2 of these regulations, if it had been in operation when the act was done;
- (b) against regulation 6, unless the prosecution prove that such act would have constituted an offence against regulation 6, as substituted for that regulation by regulation 2 of these regulations, if it had been in operation when the act was done.

(2) In any proceedings in respect of an alleged failure before 30th December 1988 to mark or label with a list of ingredients in accordance with Part III of the Food Labelling Regulations (Northern Ireland) 1984 any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the principal regulations, as amended by regulation 2(d) of these regulations, and which is ready for delivery to a catering establishment, the defendant shall not be convicted of an offence.

Sealed with the Official Seal of the Department of Health and Social Services on 25th January 1988.

(L.S.)

Z. I. Davies

Under Secretary

New Schedules 1 and 2 to the Coffee and Coffee Products Regulations  
(Northern Ireland) 1979SCHEDULE 1 Regulations 2(1), 2(5), 4(2),  
5(1)(b), 8(d) and 8(e)

## Designated products

## PART I

## COFFEE AND COFFEE MIXTURES AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
<i>Reserved descriptions</i>	<i>Coffee and Coffee Mixtures</i>
Coffee	The dried seed of the coffee plant whether or not such seed has been roasted or ground or both roasted and ground.
Coffee and chicory mixture <i>or</i> Mixture of coffee and chicory <i>or</i> Either of the two foregoing descriptions but with the words "coffee" and "chicory" transposed. <b>Note:</b> The reserved description shall be such that it accords with regulation 2(6)	A mixture of roasted coffee and chicory which contains no substance other than roasted coffee and chicory.
French coffee — coffee and chicory mixture <i>or</i> Coffee and chicory mixture — French coffee <i>or</i> French coffee — mixture of coffee and chicory <i>or</i> Mixture of coffee and chicory — French coffee	A mixture of roasted coffee and chicory of which not less than 51% is coffee and which contains no substance other than roasted coffee and chicory.
Coffee with fig flavouring <i>or</i> Coffee with fig seasoning <i>or</i> Viennese coffee — coffee with fig flavouring <i>or</i> Coffee with fig flavouring — Viennese coffee <i>or</i>	A mixture of roasted coffee and fig of which not less than 85% is coffee and which contains no substance other than roasted coffee and fig.

Column 1	Column 2
<i>Reserved descriptions</i>	<i>Coffee and Coffee Mixtures</i>
Viennese coffee — coffee with fig seasoning <i>or</i> Coffee with fig seasoning — Viennese coffee	

## PART II

## COFFEE EXTRACT PRODUCTS AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
<i>Reserved descriptions</i>	<i>Coffee Extract Products</i>
Dried coffee extract <i>or</i> Dried extract of coffee <i>or</i> Instant coffee <i>or</i> Soluble coffee	Coffee extract in powder, granular, flake, cube or other solid form, of which the coffee-based dry matter content, determined according to the method of analysis referred to in item (2) of Schedule 2, is not less than 95%.
Coffee extract paste	Coffee extract in paste form, of which the coffee-based dry matter content, determined according to the method of analysis referred to in item (3) of Schedule 2, is not more than 85% and not less than 70%.
Liquid coffee extract	Coffee extract in liquid form, of which the coffee-based dry matter content, determined according to the method of analysis referred to in item (3) of Schedule 2 is not more than 55% but greater than 15%.  <b>Note:</b> This product may contain added sugar products, whether or not roasted, in a proportion not exceeding 12%.

## PART III

## CHICORY EXTRACT PRODUCTS AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
<i>Reserved descriptions</i>	<i>Chicory Extract Products</i>
Dried chicory extract <i>or</i> Instant chicory <i>or</i> Soluble chicory	Chicory extract in powder, granular, flake, cube or other solid form, of which the chicory-based dry matter content, determined according to the method of analysis referred to in item (2) of Schedule 2, is not less than 95%.
Chicory extract paste	Chicory extract in paste form, of which the chicory-based dry matter content, determined according to the method of analysis referred to in item (3) of Schedule 2, is not more than 85% and not less than 70%.
Liquid chicory extract	Chicory extract in liquid form, of which the chicory-based dry matter content, determined according to the method of analysis referred to in item (3) of Schedule 2, is less than 55% but greater than 25%.  <b>Note:</b> This product may contain added sugar products, whether or not roasted, in a proportion not exceeding 35%.

## PART IV

BLENDS OF EXTRACTS AND EXTRACTS OF BLENDS  
AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
<i>Reserved descriptions</i>	<i>Blends of extracts and extracts of blends</i>
Dried coffee and chicory extract <i>or</i> Dried extract of coffee and chicory <i>or</i> Instant coffee and chicory <i>or</i> Soluble coffee and chicory <i>or</i>	An intimate mixture of coffee extract and chicory extract in powder, granular, flake, cube or other solid form, of which the coffee and chicory-based dry matter content in the finished product is not less than 95%.

Column 1	Column 2
<i>Reserved descriptions</i>	<i>Blends of extracts and extracts of blends</i>
<p>Any of the four foregoing descriptions but with the words "coffee" and "chicory" transposed.</p> <p><b>Note:</b> The reserved description shall be such that it accords with regulation 2(6).</p>	
<p>Coffee and chicory paste <i>or</i> Chicory and coffee paste</p> <p><b>Note:</b> The reserved description shall be such that it accords with regulation 2(6).</p>	<p>An intimate mixture of coffee extract paste and chicory extract paste in paste form, of which the coffee and chicory-based dry matter content in the finished product is not more than 85% and not less than 70%.</p>
<p>Liquid coffee and chicory extract <i>or</i> Liquid chicory and coffee extract</p> <p><b>Note:</b> The reserved description shall be such that it accords with regulation 2(6).</p>	<p>A homogeneous mixture of liquid coffee extract and liquid chicory extract in liquid form, of which the coffee and chicory-based dry matter content in the finished product is not more than 55% but greater than 15%.</p> <p><b>Note:</b> This product may contain added sugar products, whether or not roasted, in a proportion not exceeding 25%.</p>
<p>Chicory and coffee essence</p>	<p>A homogeneous mixture in liquid form, of which the chicory-based dry matter content is not less than 20% and the coffee-based dry matter content is not less than 5% in the finished product.</p> <p><b>Note:</b> This product may contain added sugar products.</p>
<p>Dried extract of coffee and fig <i>or</i> Dried coffee and fig extract <i>or</i> Instant coffee and fig <i>or</i> Soluble coffee and fig <i>or</i> Any of the four foregoing descriptions but with the words "coffee" and "fig" transposed.</p> <p><b>Note:</b> The reserved description shall be such that it accords with regulation 2(6).</p>	<p>An intimate mixture of coffee extract and fig extract in powder, granular, flake, cube or other solid form, of which the coffee and fig-based dry matter content in the finished product is not less than 95%.</p>



Column 1	Column 2
<i>Reserved descriptions</i>	<i>Blends of extracts and extracts of blends</i>
Coffee and fig paste <i>or</i> Fig and coffee paste  <b>Note:</b> The reserved description shall be such that it accords with regulation 2(6).	An intimate mixture of coffee extract paste and fig extract paste in paste form, of which the coffee and fig-based dry matter content in the finished product is not more than 85% and not less than 70%.
Liquid coffee and fig extract <i>or</i> Liquid fig and coffee extract  <b>Note:</b> The reserved description shall be such that it accords with regulation 2(6).	A homogeneous mixture of liquid coffee extract and liquid fig extract in liquid form, of which the coffee and fig-based dry matter content in the finished product is not more than 55% but greater than 15%.  <b>Note:</b> This product may contain added sugar products, whether or not roasted, in a proportion not exceeding 25%.

## SCHEDULE 2

**Methods of Analysis**

*The methods of analysis listed in items (1), (2) and (3) of this Schedule are those prescribed in Annex II to the Commission Directive 79/1066/EEC(a) laying down Community methods of analysis for testing coffee extracts and chicory extracts, (hereinafter called "the Annex"), and are to be read with the General Provisions of the Annex.*

- (1) The method of determining the caffeine content in decaffeinated coffee extracts shall be that described as Method 1 in the Annex.
- (2) The method for determining the dry matter content in—  
dried coffee extract and dried chicory extract,  
soluble coffee and soluble chicory,  
instant coffee and instant chicory,  
shall be that described as Method 2 in the Annex.
- (3) The method for determining the dry matter content in—  
liquid coffee extract and liquid chicory extract,  
coffee extract paste and chicory extract paste,  
shall be that described as Method 3 in the Annex.

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations implement Council Directive No. 85/573/EEC (O.J. No. L372, 31.12.85, p.22) which amended for the second time Directive 77/436/EEC on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts for human consumption. They also make consequential provision for products to which the Directives do not apply. For these purposes, they further amend the Coffee and Coffee Products Regulations (Northern Ireland) 1979 ("the principal regulations") by substituting for original regulations 5 and 6 new regulations 5, 5A and 6 to make separate provision for retail and non-retail sales of coffee and coffee products (regulation 2(b)) and by re-defining specified designated products in Schedule 1 (regulation 2(d)). In addition to implementing the Community obligations mentioned above, the regulations remove references to a prohibition on the consignment or delivery of any product, the marking or labelling of which contravenes the principal regulations, to ensure that any person who transports those products is not liable to prosecution for such contravention (regulation 2(e)).

The regulations also amend the Food Labelling Regulations (Northern Ireland) 1984 so as to apply Part III to coffee and coffee products other than those ready for delivery to a catering establishment (regulation 3).

The new definitions in the replaced Schedule 1 remove the requirement as to the minimum raw coffee content of coffee extracts and reduce the requirement as to the minimum dry matter content of coffee extracts and chicory extracts. The definition of chicory and coffee essence has also been amended to remove (in the case of non-retail sales) the requirement to declare added sugar products and the reserved description has been amended in consequence.

In relation to retail sales, the requirements in new regulation 5 of the principal regulations for labelling products with specified particulars, make the following changes of substance—

- (a) coffee and chicory extracts are required to be labelled respectively with the minimum coffee-based and chicory-based dry matter content;
- (b) the word "concentrated" is permitted to be added to the description of specified liquid coffee and chicory extracts.

In relation to non-retail sales, new regulation 5A of the principal regulations requires products to be labelled with a reserved description and particulars of the European Economic Community manufacturer, packer or seller, a marking by which the batch can be identified and, in the case of specified coffee products containing permitted anti-caking agent, a declaration that they are for use in vending machines, where this is the intention.

The manner of marking or labelling of all designated products is prescribed by new regulation 6 of the principal regulations for retail and non-retail sales.

The substantive changes made by regulations 2 and 3 come into operation on 30th December 1988. Until then regulation 4 (which with regulation 1 comes into operation on 7th March 1988) provides that a defendant shall not be convicted of an offence—

- (a) against regulation 5 or 6 of the principal regulations, unless it is proved that his act would have constituted an offence against the respective substituted provisions had they then been in force;
- (b) against Part III of the Food Labelling Regulations (Northern Ireland) 1984 for failing to mark or label with a list of ingredients coffee or coffee products which are ready for delivery to a catering establishment.